

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>ABEL CABALLERO,</b> <b>Plaintiff,</b>	§ § § § § § § § § §	<b>CIVIL ACTION NO.</b>
<b>V.</b>		<b>JURY DEMANDED</b>
<b>ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY,</b> <b>Defendant,</b>		<b>NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a)</b>

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that, pursuant to 28 U.S.C. § 1441 and 1446, Allstate Vehicle and Property Insurance Company, Defendant herein, removes to this Court the state court action pending in the 234<sup>th</sup> Judicial District Court of Harris County, Texas invoking this Court's diversity jurisdiction, on the grounds explained below.

**BASIS FOR REMOVAL**

1. On September 24, 2019, Plaintiff filed suit in Harris County against the Defendant. The suit was assigned to the 234<sup>th</sup> Judicial District Court of Harris County, Texas, styled Cause No. 2019-69287; *Abel Caballero v. Allstate Vehicle and Property Insurance Company*. Defendant Allstate was served/received notice of this suit on October 25, 2019. As required by 28 U.S.C. § 1446(b)(3), Allstate files this notice of removal within thirty (30) days following receipt by Defendant of the initial pleadings.

2. Removal of this action is proper, because this Court has original diversity jurisdiction under 28 U.S.C. § 1332 and the action is one that may be removed by Defendant pursuant to 28 U.S.C. § 1441(b)(3); specifically, this is a civil action wherein

the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and the Defendant is diverse in citizenship from the Plaintiffs.

3. There is complete diversity among the parties as required by 28 U.S.C. § 1332(a). Plaintiff is a Texas citizen. Defendant Allstate Vehicle and Property Insurance Company is not a citizen of the State of Texas. Defendant, Allstate Vehicle and Property Insurance Company, is foreign organization incorporated pursuant to the laws of the State of Illinois and does not have its principal place of business in the State of Texas. The Defendant consent to removal of this case to Federal Court.

4. The amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332 (a). Plaintiffs' Original Petition recites that they are seeking actual damages, statutory damages, and attorney's fees for breach of contract, breach of the duty of good faith and fair dealing, and, violations of the Deceptive Trade Practices Act, Chapter 541 and 542 of the Texas Insurance Code, relating to the Defendant's alleged failure to properly adjust the claim for Plaintiff's alleged property damage. Further, Plaintiff's Petition states Plaintiff is seeking between \$200,000 but not more than \$1,000,000 for his damages. Thus, Plaintiff's Petition shows on its face, that Plaintiff's claims are in excess of \$75,000.00. *See* Plaintiff's Petition incorporated herein under Exhibit "A".

5. The Clerk's full record in this case is attached as Exhibit "A". A list of all Counsel of Record is attached as Exhibit "B". The Civil Cover Sheet is attached as Exhibit "C".

6. Venue is proper in this district because the district and division embrace the place where the removal action has been pending.

7. Defendant will promptly provide written notice of the filing of this Notice

of Removal to all parties and to the clerk of the 234<sup>th</sup> Judicial District Court of Harris County, Texas.

8. Defendant respectfully requests that the state court action be removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it may be justly entitled.

DATE: November 20, 2019

Respectfully submitted,

/s/ John M. Causey

John M. Causey

State Bar No. 04019100

Southern District Bar No. 23926

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been delivered to all interested parties on November 20, 2019, via e-filing addressed to:

**THE BUZBEE LAW FIRM**

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**ATTORNEYS FOR PLAINTIFF**

/s/ John M. Causey  
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